IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.9117 OF 2004

M/s.National Telecom of India
Ltd. & ors. Petitioners

vs.

Union of India & ors. Respondents

Mr.Carl Shroff i/b. M/s.Akshar Laws for the petitioners.

Mr.Rajiv Chavan along with Mr.Y.S.Bhate for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 29th November 2004

P.C.

Heard Mr.Carl Shroff, the learned counsel for the petitioners and Mr.Rajiv Chavan, the learned counsel for the respondents.

2. No reply affidavit has been filed by the respondents despite opportunity being given by us vide our order dated 5th November 2004.

3. Rule. Returnable forthwith.

4. The advocate on record for the respondents waive service.

5. Rule is treated on board for final hearing.

6. In the light of our order dated 1st October 2004 passed in writ petition no.2626/2004 particularly paragraph 6 and the fact that the Appellate Tribunal for Foreign Exchange has not indicated the reasons in the impugned order, the learned counsel for the parties agreed that the matter requires reconsideration by the Appellate Tribunal for Foreign Exchange.

7. We, accordingly, set aside the order dated 23rd September 2004 and remit the matter back to the Appellate Tribunal for Foreign Exchange, New Delhi for reconsideration of the matter concerning the petitioners prayer for dispensation of the deposit of penalty amount. The Tribunal shall pass reasoned order afresh.

8. Rule is disposed of in the aforesaid terms.

9. No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)